

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 393

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO REVISE THE
2 DATES UPON WHICH CERTAIN ELECTIONS MAY BE HELD; AND PROVIDING AN EFFEC-
3 TIVE DATE.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 34-106, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011,
9 notwithstanding any other provisions of the law to the contrary, there shall
10 be no more than two (2) elections conducted in any county in any calendar
11 year, except as provided in this section, and except that elections to fill
12 vacancies in the United States house of representatives shall be held as
13 provided in the governor's proclamation.

14 (1) The dates on which elections may be conducted are:

15 (a) The third Tuesday in May of each year; and

16 (b) The Tuesday following the first Monday in November of each year.

17 (c) In addition to the elections specified in paragraphs (a) and (b) of
18 this subsection ~~and subsection (7) of this section~~, an emergency elec-
19 tion may be called upon motion of the governing board of a political sub-
20 division. An emergency exists when there is a great public calamity,
21 such as an extraordinary fire, flood, storm, epidemic, or other disaster,
22 or if it is necessary to do emergency work to prepare for a national
23 or local defense, or it is necessary to do emergency work to safeguard
24 life, health or property.

25 (d) In addition to the elections specified elsewhere in this section,
26 a presidential primary shall be held on the second Tuesday in March in
27 each presidential election year. Presidential primaries shall be held
28 separately from other primary elections, which shall be held on the
29 third Tuesday in May even in presidential election years.

30 (2) Candidates for office elected in May shall take office on the date
31 specified in the certificate of election but not more than sixty (60) days
32 following the election.

33 (3) Candidates for office elected in November shall take office as
34 provided in the constitution, or on January 1~~7~~ next succeeding the November
35 election.

36 (4) The governing board of each political subdivision subject to the
37 provisions of this section, which, prior to January 1, 2011, conducted an
38 election for members of that governing board on a date other than a date per-
39 mitted in subsection (1) of this section, shall establish as the election
40 date for that political subdivision the date authorized in subsection (1) of
41 this section which falls nearest the date on which elections were previously
42 conducted, unless another date is established by law.

1 (5) The secretary of state is authorized to provide such assistance as
2 necessary, and to prescribe any needed rules or interpretations for the con-
3 duct of election authorized under the provisions of this section.

4 (6) Water districts governed by chapter 6, title 42, Idaho Code, are ex-
5 empt from the provisions of this section.

6 (7) Community colleges governed by chapter 21, title 33, Idaho Code,
7 and school districts are subject to the limitations specified in subsection
8 (1) of this section, ~~except that school districts may also hold an election~~
9 ~~on the second Tuesday in March of each year and on the last Tuesday in August~~
10 ~~of each year on bonded indebtedness and property tax levy questions.~~

11 (8) A city initiative or referendum election shall be held on the Tues-
12 day following the first Monday in November of odd-numbered years. A county
13 initiative or referendum election or a bond, levy and any other ballot ques-
14 tion elections conducted by any political subdivision shall be held on the
15 nearest date authorized in subsection (1) of this section which falls more
16 than sixty (60) days after the clerk of the political subdivision orders that
17 such election shall be held in May or November of even-numbered years or more
18 than fifty (50) days after the order for all other elections, unless other-
19 wise provided by law. Ballot language for any question to be placed on the
20 ballot shall be submitted to the county clerk at least sixty (60) days before
21 an election held in May or November of even-numbered years and at least fifty
22 (50) days before all other elections.

23 (9) Recall elections may be held on any of the ~~four (4)~~ dates autho-
24 rized in ~~subsections~~ subsection (1) ~~and (7)~~ of this section that fall more
25 than forty-five (45) days after the clerk of the political subdivision or-
26 ders that such election shall be held.

27 (10) Irrigation districts governed by title 43, Idaho Code, are subject
28 to the limitations specified in subsection (1) of this section, except that
29 irrigation districts may also hold an election on the first Tuesday in Febru-
30 ary of each year and on the first Tuesday in August of each year on questions
31 required to be voted upon by title 43, Idaho Code.

32 SECTION 2. This act shall be in full force and effect on and after Jan-
33 uary 1, 2021.